



What Is Federalism?

By the National Conference of State Legislatures



Top: Alexander Hamilton, whose face is on the U.S. \$10 bill, supported a strong federal government and national banking system as adviser to President George Washington, in opposition to Thomas Jefferson. The struggle between them helped define the system of shared state and federal powers known as “federalism.” ©AP Images

Shared power, overlapping authority, conflict by design — and it works

There is no more misunderstood political principle associated with U.S. government than federalism — a system based on sharing, overlapping and competing powers among all levels of government.

In the United States, the powers of government are divided between the central, or “federal,” government and the states. Within the federal government, authority is distributed among different branches of government. These relationships, ambiguous by design, can be a source of energy and tension in the U.S. system of government.

Through these connections, federalism supplies “checks and balances,” ensuring that local and state governments restrain

the federal government from abusing its powers, and vice versa. In large part, the success of federalism at this level is a result of the creativity and innovation of the states.

At the national level, the U.S. Constitution provides for “checks and balances” through three governmental branches: the executive (the president and administration), the legislative or Congress (the House of Representatives and the Senate), and the judicial (the courts). Because these three branches share powers, each can partially limit the powers of the other two.

For example, the Supreme Court can

declare laws passed by Congress and signed by the president as unconstitutional, which means they are not valid. The Senate can refuse to confirm certain presidential appointments, and the president can veto — or reject

As adviser to President George Washington, Thomas Jefferson favored strong state governments. Political cartoons, such as this one titled “Mad Tom in a Rage,” sometimes depicted him toppling the federal government. Today, the National Conference of State Legislatures helps state lawmakers exchange ideas on pressing issues. ©AP Images





Sometimes federalism can lead to disagreement between states and the federal government. Soon after President Obama signed the Health Care and Education Reconciliation Act of 2010, officials in Virginia, where activists protest for and against health-care reform, sued the federal government to overturn parts of the new law that they said interfered with the state's laws. ©AP Images

— laws proposed by majorities of each house of Congress. The government obtains three types of powers through the Constitution:

- Express powers — directly specified in the Constitution.
- Implied powers — not listed in the U.S. Constitution but implied through the necessary and proper clause in Article I, Section 8 (“The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution” its express powers).
- Inherent powers — natural powers of the national government to represent the country in relations with other countries.

For example, Article I, Section 10, of the Constitution says states cannot form alliances with foreign governments, declare war, coin

money or impose taxes on imports or exports. Only the federal government has these powers.

Even though limits were placed on the states, the 10th Amendment to the Constitution says that states retain all powers not specifically granted to the federal government: “The powers not delegated by the Constitution, nor prohibited by it, are reserved to the states respectively, or to the people.” States have responsibility for these things:

- Regulating ownership of property.
- Educating residents.
- Implementing social benefit programs and distributing aid.
- Protecting people from local threats.
- Maintaining a state justice system.
- Setting up local governments.

- Maintaining state highways and ensuring management of local roads.
- Regulating industry.
- Raising money for state activities.

For example, Americans receive driving licenses from the state where they live, not from the federal government; proposals to issue identification cards at the national level have been controversial. Also, elections are conducted by the states, each applying its own rules and regulations.

Residents of other countries often are surprised to learn that activities governed at the national level in much of the world are matters of state law in the United States.

Dynamic and evolving, the federal system is essential to democracy in the United States and to preserving the rights of Americans.